

***** PUBLIC DOCKET *****

**U.S. District Court
Southern District of Indiana (Terre Haute)
CIVIL DOCKET FOR CASE #: 2:21-cv-00214-JMS-MJD**

SIMS v. SCANLON et al
Assigned to: Judge Jane Magnus-Stinson
Referred to: Magistrate Judge Mark J. Dinsmore
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/10/2021
Jury Demand: Both
Nature of Suit: 555 Prisoner Petitions -
Prison Condition
Jurisdiction: Federal Question

Plaintiff**JOHN SIMS**

represented by **JOHN SIMS**
232623
NEW CASTLE - CF
NEW CASTLE CORRECTIONAL
FACILITY - Inmate Mail/Parcels
1000 Van Nuys Road
NEW CASTLE, IN 47362
PRO SE

V.

Defendant**SCANLON**
Officer

represented by **Carlton Wayne Anker**
Lewis and Wilkins LLP
Lewis and Wilkins LLP
8777 Purdue Road
Suite 104
Indianapolis, IN 46268
317-636-7460
Email: anker@lewisandwilkins.com
ATTORNEY TO BE NOTICED

Eric Ryan Shouse
Lewis And Wilkins LLP
8777 Purdue Rd
Suite 104
Indianapolis, IN 46268
317-636-7460
Email: shouse@lewisandwilkins.com
ATTORNEY TO BE NOTICED

Defendant**MARTS**
Ofc.

represented by **Carlton Wayne Anker**
(See above for address)
ATTORNEY TO BE NOTICED

Eric Ryan Shouse

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

SYLVESTER
Officer

represented by **Carlton Wayne Anker**
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ATTORNEY TO BE NOTICED

Eric Ryan Shouse
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

TRACE STEVENS
Officer

represented by **Carlton Wayne Anker**
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ATTORNEY TO BE NOTICED

Eric Ryan Shouse
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ATTORNEY TO BE NOTICED

Defendant

NATHAN MCKINNEY
Sgt.

represented by **Carlton Wayne Anker**
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ATTORNEY TO BE NOTICED

Eric Ryan Shouse
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

JEFFREY STUPPY
L.T.

represented by **Carlton Wayne Anker**
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ATTORNEY TO BE NOTICED

Eric Ryan Shouse
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

JOHNWYATT MORELAND
Officer

represented by **Carlton Wayne Anker**
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ATTORNEY TO BE NOTICED

Eric Ryan Shouse
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ATTORNEY TO BE NOTICED

Defendant

ALDERSON
Officer

represented by **Carlton Wayne Anker**
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ATTORNEY TO BE NOTICED

Eric Ryan Shouse
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ATTORNEY TO BE NOTICED

Defendant

RICHARDSON
Officer

represented by **Carlton Wayne Anker**
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ATTORNEY TO BE NOTICED

Eric Ryan Shouse
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

LIKEN
Officer

represented by **Carlton Wayne Anker**
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ATTORNEY TO BE NOTICED

Eric Ryan Shouse
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ATTORNEY TO BE NOTICED

Defendant

MILLER
Officer

represented by **Carlton Wayne Anker**
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Eric Ryan Shouse
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ATTORNEY TO BE NOTICED

Defendant

HAVPTLI
Officer

represented by **Carlton Wayne Anker**
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ATTORNEY TO BE NOTICED

Eric Ryan Shouse
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ATTORNEY TO BE NOTICED

Defendant

DAWDY
Officer

represented by **Carlton Wayne Anker**
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ATTORNEY TO BE NOTICED

Eric Ryan Shouse
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ATTORNEY TO BE NOTICED

Defendant

RAY
Officer

represented by **Carlton Wayne Anker**
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Eric Ryan Shouse
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ATTORNEY TO BE NOTICED

Defendant

TARBER
Sgt.

represented by **Carlton Wayne Anker**
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ATTORNEY TO BE NOTICED

Eric Ryan Shouse
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ATTORNEY TO BE NOTICED

Defendant

CHANEY
Ofc.

represented by **Carlton Wayne Anker**
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ATTORNEY TO BE NOTICED

Eric Ryan Shouse
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ATTORNEY TO BE NOTICED

Defendant

FRANK VANIHEL
Warden

represented by **Carlton Wayne Anker**
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ATTORNEY TO BE NOTICED

Eric Ryan Shouse
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

J. PORTER
Ms., Case worker

represented by **Carlton Wayne Anker**
(See above for address)
ATTORNEY TO BE NOTICED

Eric Ryan Shouse
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/10/2021	1	COMPLAINT against ALDERSON, CHANG, DAWDY, HAVPTLI, TAYLOR N. HILL, KIM HOBSON, LIKEN, FRANK LITTLEJOHN, LOVEALL, MARK, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, STAFF FOR WABASH VALLEY CORRECTIONAL FACILITY, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL, filed by JOHN SIMS. (Filing fee \$402, receipt number IP073886) (Attachments: # 1 Exhibit - Grievance documents, # 2 Exhibit B - additional Grievance documents, # 3 Envelope)(REO) (Entered: 05/11/2021)

05/11/2021	2	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (REO) (Entered: 05/11/2021)
05/12/2021	3	NOTICE to Pro se Litigant - The following information is provided to pro se litigants to inform them about rules and procedures governing how they communicate with the Court. Copy distributed to Plaintiff via US Mail. (TMC) (Entered: 05/12/2021)
05/24/2021	4	CONSENT to Jurisdiction to US Magistrate Judge by JOHN SIMS. (Attachments: # 1 Envelope)(JRB) (Entered: 05/25/2021)
06/11/2021	5	Correspondence REQUESTING COPY of Case Docket Sheet, filed by John Sims. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope, # 2 Public Docket Sheet) (AAS) (Entered: 06/14/2021)
06/11/2021	6	MOTION for Court Assistance, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(AAS) (Entered: 06/14/2021)
06/16/2021	7	ENTRY SCREENING AND DISMISSING COMPLAINT AND DIRECTING PLAINTIFF TO SHOW CAUSE - The complaint must be dismissed for the reasons set forth above. Mr. Sims shall have through July 16, 2021, in which to show cause why Judgment consistent with this Entry should not issue. Mr. Sims' motion for assistance filed on June 11, 2021, requests that the Court contact the Warden and tell him to direct certain correctional officers to leave Mr. Sims alone and stop "retaliating" against him. His motion, dkt. 6 , is denied because 1) his concerns do not relate the claims in this case, and 2) the Court does not reach out to nonparty prison officials on matters not related to a specific case or controversy. SEE ORDER. Copy sent to Plaintiff via US Mail. Signed by Judge Jane Magnus-Stinson on 6/16/2021. (JRB) (Entered: 06/16/2021)
06/25/2021	8	Correspondence REQUESTING COPY of Case Docket Sheet, filed by John Sims. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope, # 2 Public Docket Sheet) (AAS) (Entered: 06/28/2021)
07/01/2021	9	AMENDED COMPLAINT against All Defendants, filed by JOHN SIMS. (Attachments: # 1 Envelope)(AAS) (Entered: 07/06/2021)
07/22/2021	10	Correspondence REQUESTING COPY of Case Docket Sheet, filed by John Sims. Copy/Copies provided via US Mail. (Attachments: # 1 Public Docket sheet) (AAS) (Entered: 07/22/2021)
07/30/2021	11	Correspondence REQUESTING COPY of Case Docket Sheet, filed by John Sims. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope, # 2 Public Docket Sheet) (JRB) (Entered: 08/02/2021)
09/09/2021	12	Correspondence REQUESTING COPY of Case Docket Sheet, filed by John Sims. Copy/Copies provided via US Mail. (Attachments: # 1 Public Docket Sheet, # 2 Envelope) (KAA) (Entered: 09/10/2021)
09/20/2021	13	MOTION Requesting Copies, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(KAA) (Entered: 09/21/2021)
10/14/2021	14	CONSENT to Prisoner E-Service by JOHN SIMS located at WVCf. Pursuant to General Order 2013-1, documents submitted by JOHN SIMS to the court for filing will generate a Notice of Electronic Filing that will constitute official service upon registered users of CM/ECF. If any parties to the case are not registered CM/ECF users, the Clerk of the Court will mail the document via U.S. Postal Service on behalf of the inmate. NOTE: The E-Filing Program does not affect the obligation of other parties to serve copies of documents in accordance with the Federal Rules of Civil Procedure. (AAS) (Entered: 10/14/2021)

10/18/2021	15	MOTION Requesting Status of Amended Complaint, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(AAS) (Entered: 10/19/2021)
10/18/2021	16	Correspondence REQUESTING COPY of Case Docket Sheet, filed by JOHN SIMS. (Attachments: # 1 Public Docket Sheet, # 2 Envelope) (KAA) (Entered: 10/19/2021)
11/04/2021	17	Submission of Existing E-Filing Consent to WVCF, filed by Plaintiff JOHN SIMS. (TPS) (Entered: 11/04/2021)
11/09/2021	18	ORDER Screening Amended Complaint and Directing Further Proceeding - Plaintiff John Sims, an inmate at Wabash Valley Correctional Facility, brings this action pursuant to 42 U.S.C. § 1983 alleging that the defendants violated his civil rights. Mr. Sims's conditions-of-confinement claims shall proceed against Officer Scanlon, Officer Mark, Officer Sylvester, Officer Stevens, Officer McKinney, Officer Stuppy, Officer Moreland, Officer Alderson, Officer Richardson, Officer Liken, Officer Miller, Officer Havptli, Officer Dawdy, Officer Ray, Officer Tarber, Officer Chang, J. Porter, Warden Vanihel, Warden Littlejohn, and D. Templeton in their individual capacities. Mr. Sims shall have through December 8, 2021, in which to notify the Court whether he wishes the Court to sever any of the unrelated claims discussed above into a new action. The clerk is directed to issue process to defendants Officer Scanlon, Officer Mark, Officer Sylvester, Officer Stevens, Officer McKinney, Officer Stuppy, Officer Moreland, Officer Alderson, Officer Richardson, Officer Liken, Officer Miller, Officer Havptli, Officer Dawdy, Officer Ray, Officer Tarber, Officer Chang, J. Porter, Warden Vanihel, Warden Littlejohn, and D. Templeton. Process shall consist of the amended complaint, dkt. 9 , applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of service of Summons), and this Order. (SEE ORDER.) Copy sent to plaintiff via US Mail. Signed by Judge Jane Magnus-Stinson on 11/9/2021.(TPS) (Entered: 11/09/2021)
11/09/2021	19	NOTICE of Lawsuit & Waiver Issued by Clerk upon (1) Officer Scanlon, (2) Officer Mark, (3) Officer Sylvester, (4) Officer Stevens, (5) Officer McKinney, (6) Officer Stuppy, (7) Officer Moreland, (8) Officer Alderson, (9) Officer Richardson, (10) Officer Liken, (11) Officer Miller, (12) Officer Havptli, (13) Officer Dawdy, (14) Officer Ray, (15) Officer Tarber, (16) Officer Chang, (17) Case Worker J. Porter, (18) Warden Vanihel, (19) Warden Littlejohn, and (20) Maintenance Staff Member D. Templeton. (TPS) (Entered: 11/09/2021)
11/09/2021	20	Documents to be Sent via Electronic Notice - re 19 NOTICE of Lawsuit & Waiver Issued by Clerk,, 18 Order, 9 Amended Complaint Electronic Notice to IDOC. (TPS) (Entered: 11/09/2021)
11/16/2021	21	MOTION for Status Update, filed by Plaintiff JOHN SIMS. (KAA) (Entered: 11/17/2021)
11/16/2021	22	RESPONSE to Screening Order re 18 - Additional Claims, filed by Plaintiff JOHN SIMS. (KAA) (Entered: 11/17/2021)
11/16/2021	23	Correspondence REQUESTING COPY of Case Docket Sheet, filed by JOHN SIMS. (Attachments: # 1 Public Docket Sheet) (KAA) (Entered: 11/17/2021)
11/23/2021	24	MOTION Requesting Copies, filed by Plaintiff JOHN SIMS. (TPS) (Entered: 11/23/2021)
12/07/2021	25	ORDER ON PENDING MOTIONS - 13 Motion Requesting Copies is GRANTED, and the Clerk is directed to send a copy of Docket No. 1 and its attachments to Mr. Sims with his copy of this order. 24 Motion Requesting Copies is GRANTED, and the Clerk is directed to send a copy of Docket No. 9 and its attachment to Mr. Sims with his copy of this order. 15 Motion Requesting Statues of Amended Complaint is GRANTED to the extent Mr. Sims is advised that the Amended Complaint was filed on July 1, 2021 (Dkt. 9

), and was screened by the Court on November 9, 2021 (Dkt. 18). 21 Motion is GRANTED to the extent Mr. Sims is advised that, as noted above, the Amended Complaint was screened by the Court on November 9, 2021 (Dkt. 18), and waivers of service were sent to the Defendants on that date (Dkt. 19). Once the Defendants have appeared and responded to the Amended Complaint, the Court will issue a further scheduling order. Signed by Magistrate Judge Mark J. Dinsmore on 12/7/2021. (Attachments: # 1 Docket 1, # 2 Docket 9) (LBT) (Entered: 12/08/2021)
12/09/2021	26	NOTICE of Appearance by Patrick Ellery MacDonell on behalf of Defendants ALDERSON, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (MacDonell, Patrick) (Entered: 12/09/2021)
12/09/2021	27	WAIVER OF SERVICE Returned Executed, filed by LIKEN, JEFFREY STUPPY, SCANLON, FRANK VANIHEL, TARBER, HAVPTLI, NATHAN MCKINNEY, ALDERSON, MILLER, DAWDY, J. PORTER, RAY, JOHNWYATT MORELAND, SYLVESTER, D. TEMPLETON, FRANK LITTLEJOHN, RICHARDSON, TRACE STEVENS. LIKEN waiver sent on 11/9/2021; JEFFREY STUPPY waiver sent on 11/9/2021; SCANLON waiver sent on 11/9/2021; FRANK VANIHEL waiver sent on 11/9/2021; TARBER waiver sent on 11/9/2021; HAVPTLI waiver sent on 11/9/2021; NATHAN MCKINNEY waiver sent on 11/9/2021; ALDERSON waiver sent on 11/9/2021; MILLER waiver sent on 11/9/2021; DAWDY waiver sent on 11/9/2021; J. PORTER waiver sent on 11/9/2021; RAY waiver sent on 11/9/2021; JOHNWYATT MORELAND waiver sent on 11/9/2021; SYLVESTER waiver sent on 11/9/2021; D. TEMPLETON waiver sent on 11/9/2021; FRANK LITTLEJOHN waiver sent on 11/9/2021; RICHARDSON waiver sent on 11/9/2021; TRACE STEVENS waiver sent on 11/9/2021. (MacDonell, Patrick) (Entered: 12/09/2021)
12/17/2021	28	MOTION for Injunction to be Moved to Another Prison, filed by Plaintiff JOHN SIMS. (KAA) (Entered: 12/17/2021)
12/21/2021	29	ORDER re 28 MOTION for Preliminary Injunction filed by JOHN SIMS. The defendants are directed to file a response to this motion at the time they file their answer to the amended complaint. Signed by Judge Jane Magnus-Stinson on 12/21/2021.(TPS) (Entered: 12/21/2021)
12/28/2021	30	NOTICE to the Court Regarding Claims, filed by Plaintiff JOHN SIMS (TPS) (Entered: 12/30/2021)
12/30/2021	31	MOTION for Preliminary Injunction and Temporary Restraining Order, filed by Plaintiff JOHN SIMS. (TPS) (Entered: 01/03/2022)
12/30/2021	32	NOTICE to the Court Regarding Claims, filed by Plaintiff JOHN SIMS (Attachments: # 1 Envelope) (TPS) (Entered: 01/04/2022)
01/06/2022	33	MOTION Requesting Copies by Mail, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(KAA) (Entered: 01/06/2022)
01/07/2022	34	NOTICE of Appearance by Bernard John Lobermann, IV on behalf of Defendants ALDERSON, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Lobermann, Bernard) (Entered: 01/07/2022)

01/07/2022	35	ANSWER to 9 Amended Complaint , filed by ALDERSON, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Lobermann, Bernard) (Entered: 01/07/2022)
01/07/2022	36	RESPONSE in Opposition re 28 MOTION for Preliminary Injunction , filed by Defendants ALDERSON, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Lobermann, Bernard) (Entered: 01/07/2022)
01/10/2022	37	NOTICE of Appearance by Julie Tront on behalf of Defendants ALDERSON, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Tront, Julie) (Entered: 01/10/2022)
01/10/2022	38	ORDER DENYING REQUESTS FOR PRELIMINARY INJUNCTIVE RELIEF -The motions preliminary injunctive relief, dkts 28 and 31 , are denied. SEE ORDER. Signed by Judge Jane Magnus-Stinson on 1/10/2022. (KAA) (Entered: 01/10/2022)
01/10/2022	39	ORDER REGARDING SEVICE ON OFFICERS MARK AND CHANG, DISMISSING "STAFF FOR WABASH VALLEY CORRECTIONAL FACILITY" AND DISMISSING MISJOINED DEFENDANT NURSES - Eighteen of the twenty named defendants were served and have file an answer to the amended complaint. Dkt. 35. However, the court has been notified that the Indiana Department of Correction was not able to identify "Officer Mark" or "Officer Chang." Accordingly, these defendants have not been served with process. The plaintiff shall have through February 14, 2022, to provide additional identifying information for Officer Mark and Officer Chang. Otherwise, these defendants will be dismissed without prejudice. "Staff for Wabash Valley Correctional Facility" is dismissed for failure to state a claim upon which relief may be granted and the clerk is directed to terminate this defendant on the docket. the clerk is directed to terminate defendants Nurse Taylor N. Hill, Nurse Lovall, and Nurse Kim Hobson on the docket. The claims against these defendants are dismissed without prejudice. (SEE ORDER) Signed by Judge Jane Magnus-Stinson on 1/10/2022.(KAA) (Entered: 01/10/2022)
01/10/2022	40	ENTRY DIRECTING DEVELOPMENT OF EXHAUSTION DEFENSE AND ISSUING PARTIAL STAY - The defendants' exhaustion defense will be resolved pursuant to the following schedule. The defendants shall have through February 22, 2022, in which to either: SEE ORDER. The failure to pursue any of these options by the above deadline constitutes an abandonment of the exhaustion defense. (SEE ORDER) Signed by Magistrate Judge Mark J. Dinsmore on 1/10/2022.(KAA) (Entered: 01/10/2022)
01/10/2022	41	ORDER granting 33 Motion for copy of his amended complaint at docket number 9 and docket sheet, dkt 33 , is GRANTED. The Clerk is directed to mail a copy of these documents by U.S. Mail to Mr. Sims. At Mr. Sims' request, the Prisoner E-Service Program shall not be utilized for transmission of these two copies. Copies to plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 1/10/2022. (Attachments: # 1 Amended Complaint, # 2 Public Docket Sheet) (KAA) (Entered: 01/10/2022)
01/14/2022	42	MOTION for Court Assistance, filed by Plaintiff JOHN SIMS. (KAA) (Entered: 01/14/2022)
01/18/2022	43	NOTICE to Correct Names of Defendants, filed by Plaintiff JOHN SIMS (Attachments: #

		1 Envelope) (AAS) (Entered: 01/19/2022)
01/20/2022	44	MOTION Requesting Copies, filed by Plaintiff JOHN SIMS. (AAS) (Entered: 01/20/2022)
01/20/2022	45	Letter to the Court from John Sims. (AAS) (Entered: 01/20/2022)
01/20/2022	46	RESPONSE to Court Order 40 Entry, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Exhibit)(AAS) (Entered: 01/20/2022)
01/25/2022	47	ORDER - The plaintiff's motion for court assistance, dkt 42 , is DENIED as unnecessary. The plaintiff's motion for copies, dkt 44 , is DENIED AS MOOT. See dkt 45 (reporting copy has been received). Signed by Magistrate Judge Mark J. Dinsmore on 1/25/2022. (KAA) (Entered: 01/25/2022)
02/09/2022	48	Correspondence REQUESTING COPY of Case Docket Sheet, filed by John Sims. (Attachments: # 1 Public Docket sheet) (AAS) (Entered: 02/09/2022)
02/15/2022	49	ORDER Directing Further Proceedings as to Defendants Officer Marts and Officer Chaney - Plaintiff John Sims has identified defendant Mark as "Officer Marts" and defendant Chang as "Officer Chaney." The clerk is directed to update the docket to reflect the correct spelling of these officers' names. The clerk is directed to issue process to defendants Officer Marts and Officer Chaney in the manner specified by Rule 4(d). Process shall consist of the amended complaint, dkt. 9 , applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of service of Summons), the Order Screening Amended Complaint, dkt. 18 , and this Order. Signed by Judge Jane Magnus-Stinson on 2/15/2022.(TPS) (Entered: 02/15/2022)
02/15/2022	50	NOTICE of Lawsuit & Waiver Issued by Clerk upon (1) Officer Marts and (2) Officer Chaney (TPS) (Entered: 02/15/2022)
02/15/2022	51	Documents to be Sent via Electronic Notice - re 18 Order, 9 Amended Complaint, 49 Order, 50 NOTICE of Lawsuit & Waiver Issued by Clerk Electronic Notice to IDOC. (TPS) (Entered: 02/15/2022)
02/15/2022	52	Mail Returned as undeliverable from Defendant. 51 Documents to be Sent via Electronic Notice, 49 Order, 50 NOTICE of Lawsuit & Waiver Issued by Clerk sent to CHANEY. (KAA) Modified on 2/16/2022 (JRT). (Entered: 02/15/2022)
02/22/2022	53	MOTION to Withdraw <i>Exhaustion Defense</i> , filed by Defendants ALDERSON, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Lobermann, Bernard) (Entered: 02/22/2022)
02/23/2022	54	ORDER - Defendants' motion to withdraw their affirmative defense of exhaustion, Dkt. 53 , is GRANTED and Defendants' first affirmative defense is deemed withdrawn. The Court has issued service of process to Defendants Officer Marts and Officer Chaney. [Dkt. 49-51.] Defense counsel is requested to file a Notice of Appearance on their behalf as soon as appropriate. After Officer Marts and Officer Chaney have appeared by counsel and answered the amended complaint, a pretrial schedule shall issue. Signed by Magistrate Judge Mark J. Dinsmore on 2/23/2022. (KAA) (Entered: 02/23/2022)
02/25/2022	55	NOTICE of Change of Address for JOHN SIMS - Currently located at WESTVILLE - CF (Previously WABASH VALLEY - CF). JOHN SIMS is no longer participating in E-Service. (Attachments: # 1 Envelope) (TPS) (Entered: 03/01/2022)
03/03/2022	56	NOTICE of Appearance by Bernard John Lobermann, IV on behalf of Defendants CHANEY, MARTS. (Lobermann, Bernard) (Entered: 03/03/2022)

03/03/2022	57	WAIVER OF SERVICE Returned Executed, filed by CHANEY, MARTS. CHANEY waiver sent on 2/15/2022; MARTS waiver sent on 2/15/2022. (Lobermann, Bernard) (Entered: 03/03/2022)
03/03/2022	58	<i>State Defendants' Chaney and Marts</i> ANSWER to 9 Amended Complaint , filed by CHANEY, MARTS.(Lobermann, Bernard) (Entered: 03/03/2022)
03/04/2022	59	NOTICE of Change of Address for JOHN SIMS, Westville CF. (Attachments: # 1 Envelope) (AAS) (Main Document 59 replaced on 3/8/2022) (AAS). (Entered: 03/08/2022)
03/04/2022	60	Correspondence REQUESTING COPY of Case Docket Sheet, filed by John Sims. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope, # 2 Public Docket Sheet) (AAS) (Entered: 03/08/2022)
03/14/2022	61	Correspondence REQUESTING COPY of Case Docket and Document(s) re 54 Order on Motion to Withdraw, 49 Order, filed by JOHN SIMS. Copy/Copies provided via US Mail. (Attachments: # 1 Public Docket Sheet, # 2 Copy of Dkt. 49 , # 3 Copy of Dkt. 54 , # 4 Envelope) (TPS) (Entered: 03/15/2022)
03/23/2022	62	Correspondence REQUESTING COPY of Case Docket Sheet, filed by JOHN SIMS. Copy/Copies provided via US Mail. (Attachments: # 1 Public Docket Sheet, # 2 Envelope) (TPS) (Entered: 03/24/2022)
04/08/2022	63	MOTION for Status of Pretrial Schedule, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(TPS) (Entered: 04/12/2022)
04/13/2022	64	ORDER SETTING PRETRIAL SCHEDULE AND DISCUSSING DISCOVERY IN PRISONER LITIGATION: This Order sets the schedule for how this action shall proceed. Part I sets forth the pretrial deadlines. Part II discusses various aspects of discovery. Facilitating the discovery process can be difficult, and this Order is issued in an effort to help explain and streamline the process for the parties. The parties should carefully read this Order. *SEE ORDER FOR ADDITIONAL INFORMATION*. Dispositive Motions due by 11/10/2022. Discovery due by 10/13/2022. Copy t plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 4/13/2022.(KAA) (Entered: 04/13/2022)
04/13/2022	65	*** PLEASE DISREGARD - STRICKEN PER DKT. 68 *** NOTICE of Parties' First Extension of Time re Responding to any written request for discovery or admission, filed by Defendants ALDERSON, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Lobermann, Bernard) Modified on 5/4/2022 (AAS). (Entered: 04/13/2022)
05/02/2022	66	MOTION for Extension of Time to <i>RESPOND TO PLAINTIFF'S DISCOVERY REQUESTS</i> , filed by Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. ***MAILED TO PLAINTIFF AT WESTVILLE - CF.*** (Attachments: # 1 Text of Proposed Order)(Lobermann, Bernard) Modified on 5/2/2022 to confirm that entry was sent to correct address (TPS). (Entered: 05/02/2022)
05/03/2022	67	ORDER granting 63 Motion for Status of Pretrial Schedule - That motion is GRANTED to the extent that on April 13, 2022, the Court issued its Order Setting Pretrial Schedule and Discussing Discovery [Dkt. 64] to set the case deadlines in this matter. However, upon review, the Court notes that the deadline for Plaintiff to serve a settlement demand

		on Defendants was inadvertently omitted from the case schedule. [Dkt. 64 at 4.] Accordingly, the Court hereby amends paragraph I(C) of it's Order Setting Pretrial Schedule [Dkt. 64 at 4] as follows: SEE ORDER. copy sent to Plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 5/3/2022. (JRB) (Entered: 05/04/2022)
05/04/2022	68	ORDER - the Court STRIKES Defendants' Notice of Automatic Initial Extension Dkt. 65 , and the Clerk is directed to show that Docket No. 65 is STRICKEN from the docket. Rather, the Court, sua sponte, orders Defendants to serve their response to Plaintiff's first discovery requests on or before May 23, 2022. No further enlargement of this deadline will be granted. In light of this Order, Defendants' Motion for Extension of Time to Respond to Plaintiff's Discovery Requests Dkt. 66 is hereby DENIED AS MOOT. SO ORDERED. Copy to Plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 5/4/2022. (AAS) (Entered: 05/04/2022)
05/11/2022	69	Correspondence REQUESTING COPY of Case Docket Sheet, filed by JOHN SIMS. Copy/Copies provided via US Mail. (Attachments: # 1 Public Docket Sheet, # 2 Envelope) (TPS) (Entered: 05/12/2022)
05/23/2022	70	NOTICE of Appearance by Amanda Jo Holbrook on behalf of Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Holbrook, Amanda) (Entered: 05/23/2022)
05/23/2022	71	ANSWER to Interrogatories from Preston Richardson, filed by Defendant RICHARDSON. (Holbrook, Amanda) (Entered: 05/23/2022)
05/23/2022	72	ANSWER to Interrogatories from Trent Alderson, filed by Defendant ALDERSON. (Holbrook, Amanda) (Entered: 05/23/2022)
05/23/2022	73	RESPONSE to Discovery Request from Defendants, filed by Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Attachments: # 1 RFP) (Holbrook, Amanda) (Entered: 05/23/2022)
06/08/2022	74	NOTICE of Non-Receipt of Initial Disclosures, filed by Plaintiff JOHN SIMS (Attachments: # 1 Envelope) (TPS) (Entered: 06/09/2022)
06/08/2022	75	Correspondence REQUESTING COPY of Case Docket Sheet, filed by JOHN SIMS. Copy/Copies provided via US Mail. (Attachments: # 1 Public Docket Sheet, # 2 Envelope) (TPS) (Entered: 06/09/2022)
06/13/2022	76	SECOND NOTICE of Non-Receipt of Initial Disclosures, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope) (LBT) (Entered: 06/14/2022)
06/13/2022	77	Correspondence REQUESTING COPY of Case Docket and Document(s) re 67 Order on Motion, filed by John Sims. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope, # 2 Docket Sheet, # 3 Dkt. 67) (LBT) (Entered: 06/14/2022)
06/15/2022	78	CONSENT to Prisoner E-Service by JOHN SIMS located at WESTVILLE CF. Pursuant to General Order 2013-1, documents submitted by JOHN SIMS to the court for filing will generate a Notice of Electronic Filing that will constitute official service upon registered users of CM/ECF. If any parties to the case are not registered CM/ECF users, the Clerk of the Court will mail the document via U.S. Postal Service on behalf of the inmate. NOTE: The E-Filing Program does not affect the obligation of other parties to serve copies

		of documents in accordance with the Federal Rules of Civil Procedure. (TPS) (Entered: 06/15/2022)
06/16/2022	79	MOTION to Order Defendants to resend Disclosures to Plaintiff, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Exhibit A, # 2 Envelope)(TPS) (Entered: 06/17/2022)
06/23/2022	80	NOTICE of Service of Initial Disclosures , filed by Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Holbrook, Amanda) (Entered: 06/23/2022)
06/27/2022	81	RESPONSE to Discovery Request from Jacqueline Porter-Marts, filed by Defendant J. PORTER.(Holbrook, Amanda) (Entered: 06/27/2022)
07/05/2022	82	NOTICE of Receipt of Initial Disclosures, filed by Plaintiff JOHN SIMS (TPS) (Entered: 07/06/2022)
07/07/2022	83	MOTION for Court Assistance, filed by Plaintiff JOHN SIMS. (TPS) (Entered: 07/08/2022)
07/12/2022	84	Order Denying Motion to Order Defendants to Resend Initial Disclosures - Plaintiff's motion to order Defendants to resend the initial disclosures, dkt. 79 , is therefore denied as moot. Signed by Judge Jane Magnus-Stinson on 7/12/2022. (KAA) (Entered: 07/12/2022)
07/14/2022	85	MOTION for Extension of Time to 45 days <i>to Respond to Plaintiff's Interrogatories</i> , filed by Defendant TRACE STEVENS. (Holbrook, Amanda) (Entered: 07/14/2022)
07/15/2022	86	ANSWER to Interrogatories from Lieutenant Nathan McKinney, filed by Defendant NATHAN MCKINNEY.(Holbrook, Amanda) (Entered: 07/15/2022)
07/19/2022	87	**PLEASE DISREGARD - DOCKETED IN ERROR** MOTION for Extension of Time to September 5, 2022 <i>to Respond to Plaintiff's Interrogatories</i> , filed by Defendant TRACE STEVENS. (Attachments: # 1 Text of Proposed Order)(Holbrook, Amanda) Modified on 7/20/2022 (KAA). (Entered: 07/19/2022)
07/19/2022	88	MOTION for Extension of Time to September 5, 2022 <i>to Respond to Interrogatories - CORRECTED</i> , filed by Defendant JOHNWYATT MORELAND. (Holbrook, Amanda) Modified on 7/20/2022 to correct docket text (KAA). (Entered: 07/19/2022)
07/20/2022	89	ANSWER to Interrogatories from Lieutenant Jeffrey Stuppy, filed by Defendant JEFFREY STUPPY.(Holbrook, Amanda) (Entered: 07/20/2022)
07/21/2022	90	Submission of Proposed Order , re 88 MOTION for Extension of Time to September 5, 2022 <i>to Serve Interrogatories - CORRECTED</i> , filed by Defendant JOHNWYATT MORELAND. (Holbrook, Amanda) (Entered: 07/21/2022)
07/25/2022	91	ORDER ON MOTIONS FOR ENLARGEMENT OF TIME - This matter comes before the Court on the motions of Defendants Trace Stevens and JohnWyatt Moreland for an enlargement of time to respond to Plaintiff's interrogatories. [Dkts. 85 & 88 .] Those motions are GRANTED and the time for Defendants Trace Stevens and JohnWyatt Moreland to respond to Plaintiff's interrogatories is hereby enlarged to and including September 6, 2022. No further enlargement of that deadline will be granted. Dispositive Motions due by 12/16/2022. Discovery due by 11/18/2022. Signed by Magistrate Judge Mark J. Dinsmore on 7/25/2022.(TPS) (Entered: 07/25/2022)

07/26/2022	92	MOTION to Appoint Counsel, filed by Plaintiff JOHN SIMS. (TPS) (Entered: 07/26/2022)
07/29/2022	93	ANSWER to Interrogatories from Sergeant Eian Luken, filed by Defendant LIKEN. (Holbrook, Amanda) (Entered: 07/29/2022)
08/05/2022	94	NOTICE of Appearance by Eric Ryan Shouse on behalf of Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Shouse, Eric) (Entered: 08/05/2022)
08/08/2022	95	MOTION to Withdraw Attorney Appearance <i>Julie A. Tront, A.J. Holbrook, and Bernard J. Lobermann</i> , filed by Defendants ALDERSON, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Attachments: # 1 Text of Proposed Order)(Tront, Julie) (Entered: 08/08/2022)
08/08/2022	96	Correspondence REQUESTING COPY of Case Docket and Document(s) re 18 Order, filed by John Sims. (Attachments: # 1 Envelope, # 2 Docket Sheet, # 3 Dkt. 18) (LBT) (Entered: 08/09/2022)
08/10/2022	97	ORDER granting 95 Motion to Withdraw Attorney Appearance. Attorney Julie Tront; Amanda Jo Holbrook and Bernard Lobermann, IV withdrawn. Signed by Magistrate Judge Mark J. Dinsmore on 8/10/2022. (KAA) (Entered: 08/11/2022)
08/18/2022	98	MOTION for Court Assistance, filed by Plaintiff JOHN SIMS. (KAA) (Entered: 08/18/2022)
08/18/2022	99	Correspondence REQUESTING COPY of Case Docket Sheet, filed by JOHN SIMS. (Attachments: # 1 Public Docket Sheet) (KAA) (Entered: 08/18/2022)
08/29/2022	100	MOTION to Compel Discovery Responses, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(KAA) (Entered: 08/30/2022)
08/29/2022	101	MOTION to Terminate E-Consent Service, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(KAA) (Entered: 08/30/2022)
08/29/2022	102	Correspondence REQUESTING COPY of Case Docket Sheet, filed by JOHN SIMS. (Copy of Docket Sheet mailed to plaintiff.) (Attachments: # 1 Public Docket Sheet, # 2 Envelope) (KAA) (Entered: 08/30/2022)
09/08/2022	103	Second MOTION to Terminate E-Consent Service, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(KAA) (Entered: 09/09/2022)
09/08/2022	104	Correspondence REQUESTING COPY of Case Docket Sheet, filed by JOHN SIMS. Copy to plaintiff via US Mail. (Attachments: # 1 Public Docket Sheet, # 2 Envelope) (KAA) (Entered: 09/09/2022)
09/12/2022	105	RESPONSE in Opposition re 100 MOTION to Compel , filed by Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Shouse, Eric) (Entered: 09/12/2022)
09/23/2022	106	MOTION <i>for Leave to Depose Plaintiff</i> , filed by Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN

		MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Attachments: # 1 Text of Proposed Order Granting Leave to Depose Plaintiff)(Shouse, Eric) (Entered: 09/23/2022)
09/27/2022	107	ORDER granting 106 Motion for Leave to Depose Plaintiff. That Defendants are granted leave to depose Plaintiff, John Sims, an inmate held in the custody of the Indiana Department of Correction at the Westville Correctional Facility no later than November 18, 2022. (SEE ORDER.) Signed by Magistrate Judge Mark J. Dinsmore on 9/27/2022. (TPS) (Entered: 09/27/2022)
10/03/2022	108	Order Granting Motions to Terminate E-Consent Service - Plaintiff's Motions to Terminate E-Consent Services, dkts. 101 and 103 , are granted. The Clerk is directed to terminate e-filing services for Plaintiff in this case. Signed by Judge Jane Magnus-Stinson on 10/3/2022. (KAA) (Entered: 10/03/2022)
10/03/2022	109	REPLY to 105 Response in Opposition to Motion to Compel, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(KAA) (Entered: 10/04/2022)
10/03/2022	110	NOTICE of Receipt of Discovery, filed by Plaintiff JOHN SIMS (Attachments: # 1 Envelope) (KAA) (Entered: 10/04/2022)
10/03/2022	111	MOTION Requesting Copies, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(KAA) (Entered: 10/04/2022)
10/05/2022	112	NOTICE to the Court Regarding Receipt of Discovery Documents, filed by Plaintiff JOHN SIMS (Attachments: # 1 Envelope) (AAS) (Entered: 10/06/2022)
10/13/2022	113	MOTION for Default Judgment, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(AAS) (Entered: 10/14/2022)
10/17/2022	114	Correspondence REQUESTING COPY of Case Docket Sheet, filed by John Sims. Copy/Copies provided via US Mail. (Attachments: # 1 Public Docket Sheet, # 2 Envelope) (AKH) (Entered: 10/18/2022)
10/18/2022	115	NOTICE of Appearance by Carlton Wayne Anker on behalf of Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Anker, Carlton) (Entered: 10/18/2022)
10/19/2022	117	MOTION to Compel, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Exhibit, # 2 Envelope)(KAA) (Entered: 10/21/2022)
10/20/2022	116	RESPONSE in Opposition re 113 MOTION for Default Judgment as to <i>Defendants Stevens and Moreland</i> , filed by Defendants JOHNWYATT MORELAND, TRACE STEVENS. (Attachments: # 1 Exhibit A - Stevens Interrogatory Responses, # 2 Exhibit B - Moreland Interrogatory Responses)(Shouse, Eric) (Entered: 10/20/2022)
10/25/2022	118	Correspondence REQUESTING COPY of Case Docket Sheet, filed by JOHN SIMS. Copy/Copies provided via US Mail. (Attachments: # 1 Public Docket Sheet, # 2 Envelope) (TPS) (Entered: 10/25/2022)
10/27/2022	119	RESPONSE in Opposition re 117 MOTION to Compel , filed by Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY,

		SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Shouse, Eric) (Entered: 10/27/2022)
10/31/2022	120	MOTION for Court Assistance, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(TPS) (Entered: 11/02/2022)
11/14/2022	121	MOTION to Compel the Court to Send Second Set of Interrogatories, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Exhibit, # 2 Envelope)(KAA) (Entered: 11/15/2022)
11/21/2022	122	RESPONSE in Opposition re 121 MOTION to Compel <i>Discovery</i> , filed by Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Shouse, Eric) (Entered: 11/21/2022)
11/28/2022	123	NOTICE of Upcoming Change of Address, filed by Plaintiff JOHN SIMS (Attachments: # 1 Exhibit A, # 2 Envelope) (KAA) (Entered: 11/28/2022)
12/05/2022	124	Correspondence REQUESTING COPY of Case Docket Sheet, filed by John Sims. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope, # 2 Public Docket Sheet) (LBT) (Entered: 12/06/2022)
12/14/2022	128	NOTICE of Change of Address for JOHN SIMS - Currently located at NEW CASTLE - CF (Previously WESTVILLE - CF). (Attachments: # 1 Envelope) (TPS) (Entered: 12/16/2022)
12/16/2022	125	MOTION for Summary Judgment , filed by Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Shouse, Eric) (Entered: 12/16/2022)
12/16/2022	126	Designation of Evidence re 125 MOTION for Summary Judgment , filed by Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Attachments: # 1 Exhibit A - Deposition of Sims, # 2 Exhibit B - Porter Interrogatory Responses, # 3 Exhibit C - Vanihel Interrogatory Responses, # 4 Exhibit D - Request for Interview) (Shouse, Eric) (Entered: 12/16/2022)
12/16/2022	127	BRIEF/MEMORANDUM in Support re 125 MOTION for Summary Judgment , filed by Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Shouse, Eric) (Entered: 12/16/2022)
12/16/2022	129	NOTICE <i>Regarding Right to Respond to and Submit Evidence in Opposition to Motion for Summary Judgment</i> , filed by Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL (Shouse, Eric) (Entered: 12/16/2022)
12/19/2022	130	NOTICE of Change of Address for JOHN SIMS. (Attachments: # 1 Envelope) (JDC) (Entered: 12/20/2022)

12/27/2022	131	Order Denying Motions for Court Assistance - This lawsuit concerns Wabash Valley officials' conduct. If Mr. Sims wishes to pursue claims against officials at Westville Correctional Facility, he must file a new lawsuit in the proper court. The clerk is directed to send Mr. Sims a copy of the Court's complaint form along with this order. Accordingly, Mr. Sims's motions for court assistance, dkt. 83 and dkt. 98 , are denied. See Order. Copies to plaintiff via US Mail. Signed by Judge Jane Magnus-Stinson on 12/27/2022. (KAA) (Additional attachment(s) added on 12/28/2022: # 1 Prisoner Complaint Form) (KAA). (Entered: 12/27/2022)
12/29/2022	132	ORDER denying 92 Motion to Appoint Counsel. Plaintiff's motion for assistance recruiting counsel, dkt. 92 , is therefore denied without prejudice. The clerk is directed to send Plaintiff a motion for assistance recruiting counsel form, which he must use if he chooses to renew his motion. The Court will remain alert to changes in circumstances that may warrant reconsideration of the motion, such as a settlement conference or trial. Copy to plaintiff via US Mail. Signed by Judge Jane Magnus-Stinson on 12/29/2022. (Attachments: # 1 Motion for Counsel Form) (KAA) (Entered: 12/29/2022)
12/29/2022	133	Correspondence REQUESTING COPY of Case Docket Sheet, filed by John Sims. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope, # 2 Docket Sheet) (JRB) (Entered: 12/30/2022)
01/03/2023	134	MOTION for Extension of Time to Respond to Motion for Summary Judgment, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(JDC) (Entered: 01/05/2023)
01/10/2023	135	ORDER DENYING MOTIONS TO COMPEL - Mr. Sims's first motion to compel, dkt. 100 ; second motion to compel, dkt. 117 ; and third motion to compel, dkt. 121 , are DENIED. See Order. Copy to plaintiff via US Mail. Signed by Magistrate Judge Mark J. Dinsmore on 1/10/2023. (KAA) (Entered: 01/10/2023)
01/13/2023	136	MOTION for court Assistance, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(JDC) (Entered: 01/17/2023)
01/17/2023	137	NOTICE of Copy to Plaintiff, filed by Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, TARBER, D. TEMPLETON, FRANK VANIHEL, re 136 MOTION to Appoint Counsel. (Shouse, Eric) (Entered: 01/17/2023)
01/17/2023	138	ORDER Granting Motion for Copies and Denying as Moot Motion for Court Assistance - Plaintiff John Sims's motion requesting copies, dkt. 111 , is granted. The clerk is directed to send Mr. Sims a copy of the original complaint in this matter, dkt. 1 , the grievance documents, dkt. [1-1], the additional grievance documents, dkt. [1-2], and the order screening the amended complaint, dkt. 18 , along with a copy of this order. Mr. Sims's motion for court assistance, dkt. 120 , is denied as moot. (SEE ORDER.) Copy sent to plaintiff via US mail. Signed by Judge Jane Magnus-Stinson on 1/17/2023. (Attachments: # 1 Copy of Dkt. 1 , # 2 Copy of Dkt. 18) (TPS) (Entered: 01/17/2023)
01/17/2023	139	ORDER granting 134 Motion for Extension of Time to Respond to Motion for Summary Judgment. Plaintiff shall file his response to Defendants' motion for summary judgment no later than February 13, 2023. Any reply shall be filed no later than February 27, 2023. Copy sent to plaintiff via US mail. Signed by Magistrate Judge Mark J. Dinsmore on 1/17/2023. (TPS) (Entered: 01/18/2023)
01/26/2023	140	NOTICE to Court filed by Plaintiff JOHN SIMS (Attachments: # 1 Exhibit A, # 2 Envelope) (JDC) (Entered: 01/26/2023)

01/30/2023	141	Order on Pending Motions - Mr. Sims's motion for a default judgment, dkt. 113 , is denied, and his motion for court assistance, dkt. 136 , is denied as moot. SEE ORDER. Copy to plaintiff via US Mail. Signed by Judge Jane Magnus-Stinson on 1/30/2023. (KAA) (Entered: 01/30/2023)
01/30/2023	142	RESPONSE re 125 MOTION for Summary Judgment , filed by Plaintiff JOHN SIMS. (Attachments: # 1 Exhibit, # 2 Envelope)(JDC) (Entered: 01/31/2023)
01/30/2023	143	BRIEF/MEMORANDUM in Support, re 142 Response, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(JDC) (Entered: 01/31/2023)
02/01/2023	144	SECOND RESPONSE re 125 MOTION for Summary Judgment , filed by Plaintiff JOHN SIMS. (Attachments: # 1 Exhibit, # 2 Envelope)(JDC) (Entered: 02/02/2023)
02/01/2023	145	SECOND BRIEF/MEMORANDUM in Support of Response re 125 MOTION for Summary Judgment , filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(JDC) (Entered: 02/02/2023)
02/07/2023	146	REPLY in Support of Motion re 125 MOTION for Summary Judgment , filed by Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, D. TEMPLETON, FRANK VANIHEL. (Shouse, Eric) (Entered: 02/07/2023)
02/16/2023	147	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Plaintiff. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope) (JDC) (Entered: 02/17/2023)
02/23/2023	148	Surreply re 125 MOTION for Summary Judgment , filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(JDC) (Entered: 02/24/2023)
04/19/2023	149	Correspondence REQUESTING COPY of Case Docket Sheet, filed by Plaintiff. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope) (JDC) (Entered: 04/21/2023)
05/04/2023	150	Correspondence REQUESTING COPY of Case Docket Sheet, filed by John Sims. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope, # 2 Public Docket sheet) (LF) (Entered: 05/05/2023)
05/17/2023	151	MOTION Requesting Status of Ruling, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(KAA) (Entered: 05/18/2023)
06/15/2023	152	Order on Defendants' Motion for Summary Judgment - Defendants' motion for summary judgment, dkt. 125 , is granted in part and denied in part . The motion is granted with respect to Defendants D. Templeton and Warden Frank Littlejohn. The clerk is directed to terminate these Defendants from the docket. The motion is denied with respect to Defendants Scanlon, Marts, Sylvester, Stevens, McKinney, Moreland, Alderson, Richardson, Liken, Miller, Havptli, Dawdy, Ray, Tarber, Chaney, Vanihel, Stuppy, and Porter. Mr. Sims's motion for status update, dkt. 151 , is granted consistent with the rulings in this Order. Mr. Sims's Eighth Amendment claims against these (18) remaining Defendants shall be resolved either through settlement or trial. Within 21 days of this Order , Defendants' counsel shall file a supplement with the Court listing the first and last names of each of these Defendants with accurate spellings. Upon reconsideration, Mr. Sims's motion to appoint counsel, dkt. 92 , is granted . The Court will attempt to recruit counsel for Mr. Sims for the remainder of this case. The Court, however, prefers that Mr. Sims use the Court's form for requesting counsel. The clerk is directed to send Mr. Sims the Court's form motion for assistance recruiting counsel with his copy of this Order. Mr.

		Sims has through July 14, 2023 , to complete this form and return it to the Court. (See Order.) Signed by Judge Jane Magnus-Stinson on 6/15/2023. Copies to Plaintiff via US mail. (Attachments: # 1 Motion for Assistance with Recruiting Counsel form) (JSR) (Entered: 06/15/2023)
06/28/2023	153	NOTICE of Compliance with ECF 152, filed by Defendants ALDERSON, CHANEY, DAWDY, HAVPTLI, LIKEN, FRANK LITTLEJOHN, MARTS, NATHAN MCKINNEY, MILLER, JOHNWYATT MORELAND, J. PORTER, RAY, RICHARDSON, SCANLON, TRACE STEVENS, JEFFREY STUPPY, SYLVESTER, TARBER, FRANK VANIHEL, re 152 Order on Motion for Summary Judgment. (Anker, Carlton) (Entered: 06/28/2023)
06/28/2023	154	MOTION to Appoint Counsel, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Envelope)(SWM) (Entered: 06/29/2023)
07/05/2023	155	Correspondence REQUESTING COPY of Case Docket Sheet, filed by John Sims. Copy/Copies provided via US Mail. (Attachments: # 1 Envelope, # 2 Docket Sheet) (LBT) (Entered: 07/06/2023)
07/05/2023	156	MOTION for Assistance with Recruiting Counsel, filed by Plaintiff JOHN SIMS. (Attachments: # 1 Exhibit, # 2 Envelope)(LBT) (Entered: 07/06/2023)
07/12/2023	157	ORDER GRANTING PLAINTIFF'S MOTIONS FOR ASSISTANCE WITH RECRUITING COUNSEL: On June 15, 2023, the Court issued an Order on the defendants' motion for summary judgment. Dkt. 152. In this Order, the Court informed the plaintiff John Sims that it would grant his request to appoint counsel and ordered him to file a motion for assistance recruiting counsel by July 14, 2023. Id. at 20. In response, Mr. Sims filed two motions requesting assistance recruiting counsel. Dkts. 154, 156. Mr. Sims's motions, dkts. 154 and 156 , are granted. The Court will attempt to recruit pro bono counsel to represent Mr. Sims through final judgment. See Order. Signed by Judge Jane Magnus-Stinson on 7/12/2023.(Copy sent to Plaintiff via US Mail.) (LF) (Entered: 07/12/2023)

Case #: 2:21-cv-00214-JMS-MJD